

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
)
)
PLAINTIFF,)
)
)
v.) CIVIL ACTION NO. 2:05cv1067-CSC
)
)
ONE PARCEL OF PROPERTY)
LOCATED AT 1554 SHADY TRAIL,)
WETUMPKA, ELMORE COUNTY,)
ALABAMA, WITH ALL)
APPURTEANCES AND)
IMPROVEMENTS THEREON,)
)
DEFENDANT.)

DECREE OF FORFEITURE

On November 3, 2005, a Verified Complaint for Forfeiture In Rem against the Defendant located at 1554 Shady Trail, Wetumpka, Elmore County, Alabama, with all appurtenances and improvements thereon, was filed on behalf of the United States of America (United States). The Complaint alleges that the Defendant property was used or intended to be used to commit or to facilitate the commission of a violation of Title II of the Controlled Substances Act, Title 21, United States Code, Sections 801 et seq.; therefore, the Defendant property is subject to forfeiture to the United States pursuant to Title 21, United States Code, Section 881(a)(7).

It appearing that process was fully issued in this action and returned according to law;

That pursuant to an Order of Notice In Rem issued by this Court, the United States Marshals Service for the Middle District of Alabama posted a copy of the Notice of Complaint of Forfeiture and Summons on the Defendant property on February 9, 2006;

That on February 27, March 6 and 13, 2006, notice of this action was published in the Montgomery Advertiser and Wetumpka Herald newspapers;

That on February 9, 2006, JoAnn Jarrett was personally served, by the United States Marshals Service, with a copy of the Verified Complaint for Forfeiture In Rem and Notice of Complaint of Forfeiture and Summons;

That on February 9, 2006, Carol Jarrett was personally served, by the United States Marshals Service, with a copy of the Verified Complaint for Forfeiture In Rem and Notice of Complaint of Forfeiture and Summons;

That on February 9, 2006, Billy W. Jarrett, Jr. was personally served, by the United States Marshals Service, with a copy of the Verified Complaint for Forfeiture In Rem and Notice of Complaint of Forfeiture and Summons;

That on February 9, 2006, Billy W. Jarrett, Sr. was personally served, by the United States Marshals Service, with a copy of the Verified Complaint for Forfeiture In Rem and Notice of Complaint of Forfeiture and Summons;

That on March 27, 2006, Billy W. Jarrett, Jr. filed a Claim and Answer to the Verified Complaint;

That on April 3, 2006, Billy W. Jarrett, Sr. and JoAnn Jarrett filed a Claim and Answer to the Verified Complaint;

On November 17, 2006, the United States filed a motion to strike the claim and answer of Billy W. Jarrett, Jr.;

On November 30, 2006, the Court granted the United States' Motion to Strike Billy W. Jarrett, Jr.'s Claim and Answer;

On January 17, 2007, the United States and Claimants Billy W. Jarrett, Sr. and JoAnn Jarrett entered into a Stipulation for Compromise Settlement whereby Claimants agreed to pay the United States Twenty Seven Thousand Five Hundred Dollars (\$27,500.00), as a substitute res for the Defendant property, and the United States agreed to release the Defendant property; and,

No other claim or answer has been filed on behalf of any other party;

Now, therefore, on motion of the United States for a Decree of Forfeiture, and for good cause otherwise shown, it is hereby ORDERED, ADJUDGED, AND DECREED:

1. That the Twenty Seven Thousand Five Hundred Dollars (\$27,500.00) specified in the Stipulation will be made a substitute res for the Defendant real property;

2. That the Twenty Seven Thousand Five Hundred Dollars (\$27,500.00) is forfeited to the United States and no right, title or interest in the Defendant property shall exist in any other party and it shall be disposed of according to law;

3. That the United States will file a Release of Lis Pendens with the Judge of Probate, Elmore County, Alabama, as to the Defendant property; and,

4. That the United States Marshals Service, Middle District of Alabama, will remove all documents posted to the Defendant property.

DONE this the _____ day of March, 2007.

UNITED STATES DISTRICT JUDGE